IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

MONDAY, THE 4TH JUNE 2007 / 14TH JYAISHTA 1929

Con.Case(C).No. 633 of 2007(S)

AGAINST THE JUDGEMENT IN WPC.21302/2006
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PETITIONER/PETITIONER

P.MOHANDAS, ADOLI HOUSE,
THIRUTHIYAD, PUTHIYARA P.O.,
CALICUT DISTRICT.

BY ADV. SRI.M.P.ASHOK KUMAR

RESPONDENTS/RESPONDENTS:
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1. MR.P.K.SANTHOSH,
FATHER'S NAME AND AGE NOT KNOWN TO THE PETITIONER,
SUB INSPECTOR OF POLICE, NADAKKAVU POLICE STATION,
NADAKKAVU, KOZHIKODE.

2. MR.B.K.UPADIAYA,
FATHERS NAME AND AGE NOT KNOWN TO THE PETITIONER,
CITY POLICE COMMISSIONER, KOZHIKODE.

3. MR.K.VIJAYAN KIDAVU,
FATHERS NAME AND AGE NOT KNOWN TO THE PETITIONER,
TAHSILDAR, KOZHIKODE.

4. MR.M.NARAYANAN KUTTY,
FATHER'S NAME AND AGE NOT KNOWN TO THE PETITIONER,
COMMISSIONER, HR & CE, KOZHIKODE.

5. MR.KOMALARAJAN,
FATHER'S NAME AND AGE NOT KNOWN TO THE PETITIONER,
DEPUTY COMMISSIONER, HR & CE, KOZHIKODE.

6. MR.K.V.NARAYANAN,
FATHER'S NAME AND AGE NOT KNOWN TO THE PETITIONER,
EXECUTIVE OFFICER, AZHAKODY DEVI TEMPLE,
THIRUTHIYAD, PUTHIYARA, KOZHIKODE-4.

7. MR.E.RAGHUNATHAN,
S/O.DAMODARAN NAIR, AGED 61 YEARS,
SECRETARY, AZHAKODI DEVI CHARITABLE TRUST,
THIRUTHIYAD, PUTHIYARA, KOZHIKODE-4.

8. P.SUKUMARAN,
FATHER'S NAME AND AGE NOT KNOWN TO THE PETITIONER,
CHAIRMAN BOARD OF TRUSTEES, AZHAKODY DEVI TEMPLE,
THIRUTHIYAD, KOZHIKODE.

BY SR.GOVERNMENT PLEADER SMT.MEERA
SRI.P.NARAYANAN

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR ADMISSION ON 04/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L.DATTU, C.J. & K.T.SANKARAN, J.

Cont.Case (C) No.633 of 2007

Dated, this the 4th day of June, 2007

JUDGMENT

H.L.Dattu, C.J.

The complainant in this petition filed under Sections 11 and 12 of the Contempt of Courts Act read with Article 215 of the Constitution of India has brought to our notice that the respondents have willfully and deliberately disobeyed the orders and directions issued by this Court in W.P.(C) No.21302 of 2006 dated 9th October, 2006.

2. This Court while disposing of W.P.(C) No.21302 of 2006 has issued the following directions. The same reads as under:

> "We find no reason to take a different view from the factual finding entered into by the Deputy Commissioner as well as the Commissioner, HR & CE, in the facts and circumstances of this case. We are inclined to give a direction to the 7th respondent to hand over possession of the management of the temple properties to the 6th respondent forthwith, in any case on or before 16.10.2006, failing which, the 6th respondent, Executive Officer, Azhakodi Devi Temple, Thiruthiyad, Kozhikode can assume management of the temple properties with the aid of respondents 1 and 2. The Executive Officer is directed to maintain separate account with regard to the management of the properties, after assuming charge."

3. The learned counsel appearing for the 6th respondent and also the learned Government Pleader would submit that on 2.6.2007 the 6th respondent Executive Officer of Azhakodi Devi Temple, Thiruthiyad, Kozhikode has taken possession of the properties of the temple.

4. In view of this development, in our view, as on today nothing survives in this petition for our consideration and decision. Therefore, the contempt case is disposed of as having become unnecessary.

5. Learned counsel appearing for the petitioner/complainant would

submit that some of the trustees are trying to manhandle the petitioner and his life is in danger. If that is so, the petitioner has to approach the appropriate forum for appropriate reliefs. Accordingly, the contempt proceedings are dropped. Ordered accordingly.

(**H.L.DATTU)**
CHIEF JUSTICE

(K.T.SANKARAN)
JUDGE

vns